IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:23-cv-00386-D

KELBY WORTHAM,)
Plaintiff,)) REPORT OF THE PARTIES
v.) PLANNING MEETING
) Fed. R. Civ. P. 26(f)
TOWN OF SPRING LAKE,)
)
Defendant.)

REPORT OF THE PARTIES' PLANNING MEETING

- 1. The following persons participated in a Rule 26(f) conference on October 24, 2023 by telephone: Katherine Barber-Jones, Hartzog Law Group, LLP representing Defendant Town of Spring Lake, and Gary Martoccio, Spielberger Law Group, representing Plaintiff Kelby Wortham.
- 2. Initial Disclosures. The parties will complete by November 9, 2023 the initial disclosures required by Rule 26(a)(1).
- 3. Discovery Plan. The parties propose this discovery plan:
 - (a) Discovery will be needed on these subjects: All subjects related to the allegations in Plaintiff's Complaint and defenses in Defendant's Answer.
 - (b) The discovery period shall begin October 24, 2023, and end April 26, 2023.
 - (c) Each party may serve up to 30 interrogatories on another party, which shall be due on or before thirty days after service, unless the time is extended by agreement of the parties or court order.
 - (d) Each party may serve up to 30 requests for admissions on another party, which

- shall be due on or before thirty days after service, unless the time is extended by agreement of the parties or court order.
- (e) Each party may take no more than 10 depositions, which shall be conducted in accordance with the limits of Fed. R. Civ. P. 30.
- (g) Plaintiff's expert witness disclosures shall be served on or before January 15, 2024, and Defendant's expert witness disclosures shall be served on or before February 15, 2024. Disclosure of rebuttal expert witnesses by either party shall be made no later than 30 days after disclosure of the expert whose opinions are the subject of the rebuttal.
- (h) Supplementations under Rule 26(e) shall be served no later than thirty (30) days prior to the end of the discovery period.

4. Other Items:

- (a) The parties do not request a pretrial conference in this matter prior to entry of a scheduling order.
 - (b) Deadline for the plaintiff to amend pleadings or to join parties: December 15, 2023.
 - (c) Deadline for the defendant to amend pleadings or to join parties: January 15, 2023.
 - (d) Deadline for dispositive motions: May 31, 2024
 - (e) The parties have engaged in pre-suit settlement negotiations and will continue to negotiate as authorized by their clients.
 - (f) The parties will conduct a mediated settlement conference prior to the end of the discovery period as required by Local Civil Rule 101.1a(b).

- (g) The parties will exchange Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists no later than 28 days before the date set for trial.
- (h) The parties will serve and file objections under Rule 26(a)(3) no later than 14 days after the service of the opposing party's Rule 26(a)(3) disclosures.
- (i) The parties anticipate that trial will last 3 days and propose October 28, 2024 as a trial date.
- (j) The parties consent to service pursuant to Fed. R. Civ. P. 5 by electronic mail to the email addresses of counsel as set forth below.

Date: 10/24/2023

/s/ Katherine Barber-Jones
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Date: 10/24/2023

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